

Introduced by Senator Walters

February 19, 2010

An act to amend Section 4001 of the Family Code, relating to child support.

LEGISLATIVE COUNSEL'S DIGEST

SB 1292, as introduced, Walters. Child support: vocational examination.

Existing law provides that in a dissolution or legal separation proceeding raising spousal support issues, the court may order either party to submit to an examination by a vocational training counselor, as specified. Existing law provides that the focus of this examination is to obtain an assessment of a spouse's ability to obtain employment that would allow the party to maintain herself or himself at the marital standard of living. Existing law also provides that both parents have an equal responsibility to support their child in the manner suitable to the child's circumstances, and the court may order either or both parents to pay an amount necessary for the support of the child.

This bill would authorize a court, in a proceeding in which child support is an issue, to order a party to submit to an examination by a vocational training counselor, as defined. The bill would provide that the focus of this examination is to obtain an assessment of a spouse's ability to obtain employment that would allow the party to meet his or her duty to provide support of the minor child.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 4001 of the Family Code is amended to read:

4001. (a) In any proceeding where there is at issue the support of a minor child or a child for whom support is authorized under Section 3901 or 3910, the court may order either or both parents to pay an amount necessary for the support of the child.

(b) (1) *The court may order a party to submit to an examination by a vocational training counselor. The examination shall include an assessment of the party's ability to obtain employment based upon the party's age, health, education, marketable skills, employment history, and the current availability of employment opportunities. The focus of the examination shall be on an assessment of the party's ability to obtain employment that would allow the party to meet his or her duty to provide support of the minor child pursuant to Section 3900.*

(2) *The order may be made on the motion of either party, the court's own motion, or stipulation of the parties. The order shall be made for good cause after notice is provided to all parties. The order shall specify the time, place, manner, conditions, scope of the examination, and the person or persons by whom it is to be made.*

(3) *A party who does not comply with an order under this section is subject to the same consequences provided for failure to comply with an examination ordered pursuant to Chapter 15 (commencing with Section 2032.010) of Title 4 of Part 4 of the Code of Civil Procedure.*

(4) *"Vocational training counselor" for the purpose of this section means an individual with sufficient knowledge, skill, experience, training, or education in interviewing, administering, and interpreting tests for analysis of marketable skills, formulating career goals, planning courses of training and study, and assessing the job market, to qualify as an expert in vocational training under Section 720 of the Evidence Code.*

(5) *A vocational training counselor shall have at least the following qualifications:*

(A) *A master's degree in the behavioral sciences.*

(B) *Be qualified to administer and interpret inventories for assessing career potential.*

1 (C) *Demonstrated ability in interviewing clients and assessing*
2 *marketable skills with understanding of age constraints, physical*
3 *and mental health, previous education and experience, and time*
4 *and geographic mobility constraints.*

5 (D) *Knowledge of current employment conditions, job market,*
6 *and wages in the indicated geographic area.*

7 (E) *Knowledge of education and training programs in the area*
8 *with costs and time plans for these programs.*

9 (6) *The court may order either party to pay the necessary*
10 *expenses and costs of the vocational evaluation. This order shall*
11 *take into account both of the following:*

12 (A) *The respective incomes and needs of the parties.*

13 (B) *Any factors affecting the parties' respective abilities to pay.*

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